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REMARKS

Applicant has thoroughly considered the Examiner's remarks and the application has been amended in light thereof. Claims 39-57 are presented in the application for further examination. Claims 39, 40, 41, 42, 52 and 55 have been amended by this Amendment A. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested.

RESPONSE TO SPECIFICATION OBJECTIONS

The abstract and continuing data have been amended as requested so that the objection should be withdrawn.

RESPONSE TO CLAIM OBJECTIONS

The misspelling in claim 39 has been corrected. Claim 45 recites:

- 1 45. A method for correlating scan images of a body part, the method comprising:
- 2 storing images of a body part in a memory to create a three-dimensional body
- 3 image coordinate system;
- 4 determining the position of the body part in the three-dimensional body image
- 5 coordinate system using remote sensors;
- 6 obtaining a planar image of the body part;
- 7 determining the position and orientation of the planar image of the body part in
- 8 the three-dimensional body image coordinate system;
- 9 determining the position of a probe in the three-dimensional body image
- 10 coordinate system;
- 11 retrieving, from the images of the body part, *an image of the body part*
- 12 *corresponding to the position of the probe*; and
- 13 displaying the planar image and **the image of the body part corresponding to**
- 14 **the orientation of the planar image** and position of the probe.

The Examiner indicates that the bolded text lacks antecedent basis. However, the italicized text in lines 12-13 provides antecedent basis.

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Claims 52 and 55 have been amended to remove the reference to "second." Claim 55 has been amended at line 5. Thus, the claim objections should be withdrawn.

RESPONSE TO DOUBLE PATENTING

The Examiner indicates that claims 41, 43 duplicate 40, 42. However, Applicant does not agree because each claim recites a different combination of features:

Claim 39 recites a planar scan image.

Claim 40 recites a planar scan image and determining a probe position.

Claim 41 recites a planar scan image, determining a probe position and determining/displaying a boundary.

Claim 42 recites a planar image and determining/displaying a boundary.

Claim 43 recites a planar image, determining/displaying a boundary and determining a probe position.

Claim 44 recites determining/displaying a boundary and a planar scanned image.

It is not seen how these claims duplicate each other. It is noted that claim 44 (prior to this Amendment A) may have been viewed as a duplicate of claim 40. However, claims 40 and 41 have been amended to avoid any duplication. Applicants submit that claims 39-44 do not duplicate each other so that the objection should be withdrawn.

In conjunction with the filing of this Response, Applicants have submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) to overcome the rejection of claims 39-57 based on a nonstatutory obviousness-type double patenting as being unpatentable over claims 21-23 of U.S. Patent No. 5,871,445 and claims 1-14 of U.S. Patent No. 5,851,183. Applicants respectfully request the double patenting rejection of claims 39-57 be withdrawn.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

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If there are any additional charges in this matter, please charge Deposit Account
No. 19-1345.

Respectfully submitted,



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*Attachments